

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HY-KO PRODUCTS COMPANY LLC

v.

THE HILLMAN GROUP INC.

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CIVIL ACTION NOS. 2:21-CV-00197-JRG

**MINUTES FOR JURY TRIAL DAY NO. 2
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
October 4, 2022**

OPEN: 08:28 AM

ADJOURN: 06:25 PM

ATTORNEYS FOR PLAINTIFF: See attached

ATTORNEYS FOR DEFENDANT: See attached

LAW CLERKS: Harris Huguenard
Patrick Clark
Katie Albanese

COURT REPORTER: Shawn McRoberts, RMR, CRR

COURTROOM DEPUTY: Andrea Brunson, CP

TIME	MINUTE ENTRY
08:28 AM	Court opened.
08:28 AM	Exhibits used prior day read into the record.
08:29 AM	Jury entered the courtroom.
08:31 AM	Mr. Elkins introduced the video deposition of Mr. Kevin Becker.
09:20 AM	Video deposition of Mr. Kevin Becker concluded.
09:20 AM	Bench conference.
09:22 AM	Bench conference concluded.
09:22 AM	Jury recessed for break.
09:23 AM	Recess.
09:53 AM	Court reconvened.
09:54 AM	Jury returned to courtroom.
09:54 AM	Mr. Elkins introduced the video deposition of Mr. Todd Spangler.
10:10 AM	Video deposition of Mr. Todd Spangler concluded.
10:11 AM	Witness sworn. Direct examination of Mr. Michael Bass by Ms. DeRieux.
10:26 AM	Bench conference.
10:29 AM	Bench conference concluded.
10:29 AM	Continuation direct examination of Mr. Michael Bass by Ms. DeRieux.

TIME	MINUTE ENTRY
10:33 AM	Court instructed jury to disregard portions of redacted exhibit.
10:32 AM	Continuation direct examination of Mr. Michael Bass by Ms. DeRieux.
10:55 AM	Cross examination of Mr. Michael Bass by Mr. Baxter.
11:38 AM	Bench conference.
11:45 AM	Bench conference concluded.
11:46 AM	Completion of testimony of Mr. Michael Bass.
11:47 AM	Mr. Elkins introduced the video deposition of Mr. Greg Gluchowski.
12:05 PM	Video deposition of Mr. Greg Gluchowski concluded.
12:06 PM	Jury recessed for lunch.
12:07 PM	Recess.
01:13 PM	Court reconvened.
01:13 PM	Court addressed various disputes of the parties. Court addressed rulings made as set forth in the record.
01:19 PM	On behalf of Defendant, Mr. Briody lodged objections on the record re: witness testimony, Andrew Carter, and tendered exhibits to the Court for the record which the Court accepted.
01:25 PM	Court made rulings as set forth in the record.
01:29 PM	Jury returned to courtroom.
01:29 PM	Mr. Elkins introduced the video deposition of Mr. Randy Fagundo.
02:06 PM	Video deposition of Mr. Randy Fagundo concluded.
02:07 PM	Witness sworn. Direct examination of Dr. Wyatt Newman by Mr. Jaketic.
02:19 PM	Bench conference.
02:19 PM	Bench conference concluded.
02:19 PM	Continuation direct examination of Dr. Wyatt Newman by Mr. Jaketic.
02:49 PM	Jury recessed for break.
02:50 PM	Recess.
03:10 PM	Court reconvened.
03:11 PM	Jury returned to courtroom.
03:12 PM	Continuation direct examination of Dr. Wyatt Newman by Mr. Jaketic.
03:13 PM	Courtroom sealed.
03:14 PM	Continuation direct examination of Dr. Wyatt Newman by Mr. Jaketic.
04:08 PM	Objection raised.
04:09 PM	Jury returned to jury room.
04:09 PM	Court heard objection argument outside presence of jury.
04:14 PM	Court made rulings as set forth in the record.
04:16 PM	Jury returned to courtroom.
04:16 PM	Continuation direct examination of Dr. Wyatt Newman by Mr. Jaketic.
04:55 PM	Bench conference.
04:57 PM	Bench conference concluded.
04:57 PM	Court provided explanation to Jury re: correct comparison.
04:58 PM	Continuation direct examination of Dr. Wyatt Newman by Mr. Jaketic.
05:15 PM	Courtroom unsealed.
05:15 PM	Continuation direct examination of Dr. Wyatt Newman by Mr. Jaketic.
05:28 PM	Bench conference.
05:30 PM	Bench conference concluded.

TIME	MINUTE ENTRY
05:30 PM	Cross examination of Dr. Wyatt Newman by Mr. Schubert.
06:12 PM	Bench conference.
06:12 PM	Bench conference concluded.
06:12 PM	Redirect examination of Dr. Wyatt Newman by Mr. Jaketic.
06:21 PM	Completion of testimony of Dr. Wyatt Newman.
06:22 PM	Jury recessed until 8:30 AM tomorrow.
06:22 PM	Court instructed counsel to meet and confer and submit by 3:00 PM tomorrow by email to Court staff an updated jointly proposed final jury instructions and verdict form (in Word format).
06:24 PM	Court reminded parties to continue with their meet and confer efforts re: overnight demonstrative disputes.
06:25 PM	Court adjourned.